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10/524,679	09/30/2005	Seung-Hoon Moon	4900-0031	8314

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LOWE HAUPTMAN HAM & BERNER, LLP
1700 DIAGONAL ROAD
SUITE 300
ALEXANDRIA, VA 22314

EXAMINER
MITCHELL, NATHAN A

ART UNIT	PAPER NUMBER
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11/12/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _23 June 2008_.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-27_ is/are pending in the application.
   4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☒ Claim(s) _19_ is/are allowed.
6)☒ Claim(s) _1-18 and 20-27_ is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
   a)☐ All   b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date _____.
4)☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on

6/23/2008 has been entered.

Response to Arguments

2.   112 rejections are withdrawn.

3.   Applicant argues that Chang does not disclose or suggest "loading, in the mobile

terminal, the data package [which includes the determined execution conditions and

predetermined multimedia files, each associated with the determined execution

conditions." The examiner agrees, but asserts that the subject matter as a whole is

rendered obvious by the combination of the three references. Kivipuro suggests using a

single package to transfer multiple files. Reilly discloses the execution of multimedia

files based on execution conditions. Chang discloses execution conditions structured

within files. Thus the subject matter of claim 1/etc. as a whole is taught by the three

references.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5.   The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1.   Determining the scope and contents of the prior art.
2.   Ascertaining the differences between the prior art and the claims at issue.
3.   Resolving the level of ordinary skill in the pertinent art.
4.   Considering objective evidence present in the application indicating obviousness or nonobviousness.

6.   Claims 1-3, 5-10, 12, 17, 18, 21 and 23-27rejected under 35 U.S.C. 103(a) as being unpatentable over 2006/0014523 A1 to Reilly in view of 2002/0062361 A1 to Kivipuro et al. and 6,922,735 B2 to Chang.

For claim 1, Reilly discloses a method for providing multimedia services in a mobile terminal, comprising the steps of:

(a) determining a plurality of execution conditions (paragraph 44 e.g. "key press", "cover opening" etc., if execution conditions are set then they are determined) in the mobile terminal

(b) generating and storing theme multimedia files (paragraph 44-45 multimedia files are downloaded from content provider; implictly content provider generates and stores content as needed)

(c) downloading the theme files through a communication network (paragraph 44-45 theme changes are downloaded through a network provider)

(d) storing the downloaded data package in a memory of the mobile terminal

(paragraph 44-45 theme changes are downloaded through a network provider)

(e) loading, in the mobile terminal, the theme files to set the associated execution conditions (paragraph 44 cover opens when phone opens, etc. resulting in theme action)

(f) selecting at least one of the predetermined multimedia files of the data package for execution, the at least one of the predetermined multimedia files being selected using the associated set execution condition (paragraph 44 cover opens when phone opens, etc. resulting in theme action); and

(g) executing the selected predetermined multimedia file or files in accordance with the set execution condition (paragraph 44 cover opens when phone opens, etc. resulting in theme action)

For claim 1, Reilly discloses all the subject matter of the claimed invention with the exception of the multimedia files being stored in a data package including the execution conditions for the multimedia files.

In an analogous art, Kivipuro et al. teaches a computing device downloading an operating environment theme as a single data package (paragraph 6 "Such theme information is normally in compressed format, wherein the theme is formed into one packed file which is decompressed in the user's data processor into different theme files."). It would have been obvious to one of ordinary skill in the art at the time of invention that the technique of Kivipuro et al. could be used in the system of Reilly by downloading theme information as a single file. The motivation for the combination is

the use of a known technique to improve a similar device in the same way. KSR

International Co. v. Teleflex Inc., 550 U.S.---, 82 USPQ2d 1385 (2007)

The invention as modified above does not disclose the execution conditions

being included in the package data. However in an analogous art, Chang discloses a

method of controlling file usage comprising storing an execution condition with a file

(abstract). It would have been obvious to one of ordinary skill in the art at the time of

invention that this technique could be used in the invention as modified above by storing

the execution conditions within the multimedia files. The motivation for the combination

is the use of a known technique to provide the same improved event control.

Regarding **claim 2,** Reilly further discloses a step of executing the multimedia file

according to the associated execution condition when the execution condition in the

mobile terminal is satisfied (paragraph 44 e.g. "key press", "cover opening" etc.)

Regarding **claim 3,** Reilly further discloses the set associated execution

condition being satisfied by a key signal generated from a key pad (inherent to all

mobile phones) being inputted to the mobile terminal (paragraph 44 e.g. "key press").

Regarding **claim 5,** the examiner interprets "key press tone" to refer to the

pressing of any key including number keys.

Regarding **claim 6**, a number key can be considered a special key (see claim 5).

Regarding **claim 7**, the combination made in claim 1 decompresses files on the

receiving system (Kivipuro et al. paragraph 6) and thereby would select each file

according to its associated execution condition. Furthermore, with the introduction of

Chang, every individual file and its associated execution condition would be stored as one file.

Regarding **claim 25**, Kivipuro et al. discloses packaging the data as a compressed file (paragraph 6).

Regarding **claim 26,** the invention as modified does not disclose storing a file as a simple merged file. However from the examiner's own personal knowledge, the software package WinRar available on Windows computers at least since the late 1990's has been used to package files. Winrar has a store setting where no compression is used (and the files are grouped faster). It would have been obvious to one of ordinary skill in the art at the time of invention that the technique of using no compression to group multiple related files. The motivation for the combination is a simple substitution of one element for another to yield predictable results.

Claims 8 and 9 are rejected for the same reasons as claims 25 and 26 respectively.

Regarding **claim 10,** Reilly teaches message alerts and a message being a download request (paragraphs 44 and 45).

Regarding **claim 21,** Reilly further discloses an associated execution condition being satisfied by a key signal generated from a key pad (inherent to all mobile phones) being inputted to the mobile terminal (paragraph 44 e.g. "key press tone").

Claims 23 and 24 are rejected for reasons analogous to claims 5 and 6.

Regarding **claim 27,** Reilly disclose the step of selecting the predetermined multimedia file being responsive to the association execution condition being satisfied

by user input (paragraph 44; a key press tone will not be activated until a key is pressed).

  Claim 12 is rejected for essentially the same reason as claims 2 and 3 as it is essentially a broader version of claim 2. Inherently files downloaded to a mobile terminal are stored in their 'memory part'. "Execution being satisfied by user input" is taught by Reilly (paragraph 44 "key press tone" necessarily requires a user input of a key press).

  Claim 17 is rejected for the same reason as claim 5 or 6.

  Claim 18 is rejected for essentially the same reason as claim 12. For claim 18, Reilly discloses a server for distributing multimedia files (220), however it does not disclose a package data generating part generating package data with each execution condition associated with at least one multimedia file or a package data managing part for storing the package data generated by the package data generating part operating with execution conditions as in claim 12. Reilly further discloses downloading data to a mobile terminal responsive to a predetermined condition (paragraph 45). Reilly also discloses execution responsive to user input (paragraph 44 key press tone). Furthermore the examiner considers a server to inherently have a processor and memory (see U.S. Patent No. 6,710,702 B1 column 4 40-43). Data manipulation operation are necessarily performed by a processor and storage is necessarily performed by memory. Thus claim 18 is rejected for essentially the same reason as claim 12 with the processor of server 220 being modified to function as a package data generating part and the memory of server 220 being modified to store the package data with execution conditions. The motivations for the combination are the same.

7.   Claim 4, 16 and 22 is rejected under 35 U.S.C. 103(a) as being unpatentable

over Reilly in view of Kivipuro et al. and Chang as applied to claim 1, 12 or 21 above,

and further in view of U.S. Patent Application Publication No. 2001/0053707 A1 to

Lutnaes.

        For **claim 4**, the invention as modified in claim 1 does not specifically disclose

the execution condition for bringing on a start-up sound. In an analogous art, Lutnaes

discloses a portable telephone having a keypad assigned a power-on function

(paragraph 34). It would have been obvious to one of ordinary skill in the art at the time

of invention to combine this teaching with that of the invention as modified. The press of

a power-on key is the clear identification of a need for a start-up sound. The motivation

for the combination is the use of a known technique to improve a similar device in the

same way.

        Claim 16 is rejected for the same reason as claim 4.

        Claim 22 is rejected for the same reason as claim 4.

8.   Claims 11 and 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Reilly in view of Kivipuro et al. and Chang as applied to claim 1 or 12 above, and

further in view of "Changing Faces-The Ericsson A2618s" to Lim

        For **claim 11**, Reilly only discloses the use of start-up sounds. However in

analogous art, Lim discloses a mobile phone with a video (animated) start up screen

(paragraph 4). It would have been obvious to one of ordinary skill in the art at the time of

invention that the invention of Reilly could be extended to other multimedia files such as

animation by associating an execution condition with them. The motivation for the

combination is a simple substitution of one element for another to yield predictable results.

Claim 13 is rejected for a reason analogous to the one above. As modified above a theme package can include a startup video (video) and a key press tone (audio) among the possible multimedia files.

Regarding **claim 14**, Kivipuro et al. discloses packaging the data as a compressed file (paragraph 6).

Regarding **claim 15**, the invention as modified does not disclose storing a file as a simple merged file. However from the examiner's own personal knowledge, the software package WinRar available on Windows computers at least since the late 1990's has been used to package files. Winrar has a store setting where no compression is used (and the files are grouped faster). It would have been obvious to one of ordinary skill in the art at the time of invention that the technique of using no compression to group multiple related files. The motivation for the combination is a simple substitution of one element for another to yield predictable results.

9.   Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Reilly in view of Kivipuro et al. and Chang as applied to claim 18 above, and further in view of 2002/0035692 A1 to Moriai et al. (previously cited).

Regarding **claim 20**, the memory as modified in claim 18 can be considered a storing module for storing the package data generated from the package data generating part. Furthermore, the transmitting module is inherent given wireless

transmission (see Reilly fig. 1) and Reilly further disclose transmitting information to the

mobile terminal if the mobile terminal requests the information (paragraph 45).

In an analogous art, Moriai teaches a user information managing module for

managing a plurality of mobile terminals provided with the multimedia services (10). It

would have been obvious to one of ordinary skill in the art at the time of invention to

combine this teaching with that of the invention as modified by allowing for verification of

user identity. The motivation for the combination is the use of a known technique to

improve a similar device in the same way.

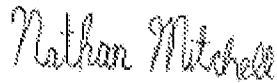### *Allowable Subject Matter*

10.   Claim 19 is allowed.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to NATHAN MITCHELL whose telephone number is

(571)270-3117. The examiner can normally be reached on M-F 8:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Lester Kincaid can be reached on (571)272-7922. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

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system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Nathan Mitchell/nam
Art Unit 2617
11/15/2008

/Lester Kincaid/
Supervisory Patent Examiner, Art Unit 2617